

## REMARKS

Claims 1-6, 9-11 and 14-25 are pending. Claims 7-8 and 12-13 were cancelled in a Preliminary Amendment. Claim 16 is amended by this Second Amendment to correct informality. Claims 1-6, 9-11 and 14-25 remain in the application for consideration upon entry of the present Amendment. No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Applicant acknowledges with appreciation the withdrawal of various objections and rejections made in the previous Office Action.

### **Supplemental Information Disclosure Statement**

Applicant respectfully requests consideration of the Supplemental Information Disclosure Statement attached to this Amendment.

### **Claim Rejections Under 35 U.S.C. § 102(a)**

Claims 21-25 were rejected under 35 USC § 102(b) as being anticipated by DSL Forum DSL Evolution-Architecture Requirements for the Support of QoS-Enabled IP Services, Proposed Draft PD-OOX, Revision 1 (hereafter “PD-00X”).

Claim 21 recites:

A computer program product providing a network turbo boost service, the computer program product comprising:

a storage medium readable by a processing circuit and storing instructions for execution by the processing circuit for facilitating a method comprising:

receiving a set of one or more available network turbo boost triggering options, where the set of one or more available network turbo boost triggering options include destination addresses for which high speed transfer **will be recommended**, and one of **being notified** when a large incoming file is detected,

being notified when a large outgoing file is detected, **being notified** when a destination address is on a list of high transmission rate applications, and **being notified** when a request is received from an application that typically requires downloading of application code data, where the application that typically requires downloading of application code data includes service packs, and software updates, where the list of high transmission rate applications includes video conferencing sites and gaming sites, and where the destination addresses include a gaming application address and a video conferencing address;

offering the available network turbo boost triggering options to a user;

detecting selection of a network turbo boost triggering option by the user;

and

communicating the selection of the network turbo boost triggering option to a network service provider system.

The Office Action points to page 35, C.1.1., lines 6-10 and 15-18, page 2, lines 37-41, and page 3, lines 40-46 of PD-00X as allegedly showing these claimed features. Page 35, C.1.1 of PD-00X describes a “turbo” button for providing bandwidth on demand when a subscriber decides that additional bandwidth is needed for a special function, such as a file download. As described in this portion of PD-00X, pressing this button signals the network to change the subscriber’s traffic shaping profile from its current rate to the next available tier. This portion of PD-00X further indicates that the turbo button could also be placed on a service provider’s web page to provide the necessary signaling back to the access equipment to reshape the subscriber traffic. Page 2, lines 37-41 of PD-00X describe the ability to dynamically change DSL line bandwidth based on the application or destination selected, permitting the subscriber to typically use a lower speed connection and occasionally request a dynamic increase in bandwidth. Page 3, lines 40-46 of PD-00X describe services that are supported by the DSL architecture described in PD-00X. The services include multicast audio and video media applications, video on demand applications, voice services, interactive gaming, and variable bandwidth on demand and by application.

Nowhere in these portions or any other portions of PD-00X is there a disclosure or suggestion of receiving a set of one or more available network turbo boost triggering options, where the set of one or more available network turbo boost triggering options include destination addresses for which high speed transfer **will be recommended**, and one of **being notified** when a large incoming file is detected, **being notified** when a large outgoing file is detected, **being notified** when a destination address is on a list of high transmission rate applications, and **being notified** when a request is received from an application that typically requires downloading of application code data, where the application that typically requires downloading of application code data includes service packs, and software updates, where the list of high transmission rate applications includes video conferencing sites and gaming sites, and where the destination addresses include a gaming application address and a video conferencing address and offering the available network turbo boost triggering options to a user . In PD-00X, the only turbo boost mechanism offered to a user is a turbo button. There are no triggering boost options offered that include destination addresses of which high speed transfer **will be recommended** and **being notified** as set forth in claim 21. In fact, in PD-00X there does not appear to be any recommendation or notification involved in the decision to press the turbo button. Rather, as described at page 35, C.1.1, lines 1-5 of PD-00X, the user decides to press the button when additional bandwidth is needed for a special function.

Since PD-00X fails to disclose or suggest all the features of claim 21, PD-00X fails to anticipate claim 21. Accordingly, claim 21 is considered allowable over PD-00X.

Claim 24 recites similar features as claim 21 and is considered allowable over PD-00X for at least the same reasons. Dependent claims 22-23 and 25 depend from claims 21 and 24 respectively; therefore, claims 22-23 and 25 are considered allowable for at least the same reasons as claims 21 and 24, respectively

If the position is maintained that PD-00X discloses all the features recited in claims 21-25, Applicant respectfully requests that it be specifically pointed out where in PD-00X there is a basis for this view.

**Claim Rejections Under 35 U.S.C. § 103(a)**

Claims 1-6, 9-11, 14-20 were rejected under 35 USC § 103(a) as being unpatentable over US Patent Application Publication No. 2003/0023722A1 to Vinberg (hereafter “Vinberg”) in view of PD-OOX.

Claim 1 recites:

A method of providing a network turbo boost service, the method comprising:

receiving in a service provider system one or more turbo boost triggering criteria of a plurality of turbo boost triggering criteria associated with a user;

monitoring a network for a task that meets at least one turbo boost triggering criteria of the plurality of turbo boost triggering criteria; and

if the monitoring results in **locating a task that meets the at least one of the turbo boost triggering criteria** then automatically invoking by the service provider system the network turbo boost service for the task.

Vinberg is directed to alerting human operators of important events so that humans can troubleshoot the monitored events. The Action relies on Vinberg for locating a task that meets at least one of the triggering criteria. While Vinberg describes defining alert criteria and detecting an alert condition, Applicant cannot find a disclosure or suggestion in Vinberg of monitoring a network for a task that meets triggering criteria and **locating a task that meets triggering criteria** as set forth in claim 1. Moreover, Vinberg is silent as to turbo boost criteria and fails to disclose or suggest automatically invoking by the service provider system the network turbo boost service for the task if the monitoring results in locating a task that meets the at least one of the turbo boost triggering criteria.

The Office Action relies on PD-00X for the features missing from Vinberg. In particular, the Office Action asserts that PD-00X describes the subscriber automatically

being provided by the service provider the variable bandwidth, both by on demand (“Turbo” button) and by application based on examining the network. However, Applicant cannot find a disclosure or suggestion in PD-00X of providing variable bandwidth by application based on examining the network. Rather, in PD-00X, variable bandwidth is provided in response to pressing of the turbo button. While page 35, C.1.1. of PD-00X describes a turbo button at the service provider of PD-00X, nothing in this portion or any other portion of PD-00X discloses or suggests **locating a task that meets the at least one of the turbo boost triggering criteria** and **then automatically invoking by the service provider system the network turbo boost service for the task**. Thus, PD-00X fails to make up for the deficiencies of Vinberg. Accordingly, claim 1 is considered allowable over any combination of Vinberg and PD-00X.

Independent claim 15 recites:

A method of providing a network turbo boost service, the method comprising:

receiving one or more turbo boost triggering criteria of a plurality of turbo boosts triggering criteria associated with a user;

monitoring a network for a task that meets an at least one of the turbo boost triggering criteria;

**if the monitoring results in locating a task that meets the at least one of the turbo boost triggering criteria then transmitting an offer to the user to invoke the network turbo boost service for the task;** and

invoking the network turbo boost service for the task if the user responds to the offer by requesting that the network turbo boost service be invoked for the task.

As noted above, no combination of Vinberg and PD-00X discloses or suggests **locating a task that meets triggering criteria**. Moreover, no combination of these documents discloses or suggests **transmitting an offer to the user to invoke the network turbo boost service for the task**.

The Action points to Vinberg as allegedly showing transmitting an offer to a user. While Vinberg describes generation and output of an alert notification, Applicant cannot find a disclosure or suggestion in Vinberg of transmitting an offer to a user to invoke a service for a task. Vinberg does not deal with turbo boost trigger criteria or invoking the network turbo boost service. While PD-00X describes a turbo boost function, PD-00X does not disclose or suggest transmitting an offer to the user to invoke the network turbo boost service. In PD-00X, the user decides whether to press the turbo button based on whether a special function is to be carried out, not in response to an offer. Thus, no combination of Vinberg and PD-00X discloses or suggests if the monitoring results in locating a task that meets the at least one of the turbo boost triggering criteria then transmitting an offer to the user to invoke the network turbo boost service for the task. Accordingly, claim 15 is considered allowable for at least this additional reason.

Claims 16, 17, and 20 recite similar features as claim 15 and are considered allowable for at least the same reasons.

Claims 2-6, 9-11 and 14 depend from claim 1. Claims 18 and 19 depend from claim 17. Therefore, claims 2-6 and 9-11 and claims 18 and 19 are considered allowable over the cited documents for at least the same reasons discussed above in regard to claims 1 and 17, respectively.

### **Conclusion**

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicant. Accordingly, reconsideration and allowance are requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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